

## **REMARKS**

Applicant has reviewed the Office Action mailed August 4, 2005. Claim 1 is being amended by this Response to reflect that which is taught in the originally filed application, such as for example, paragraph [0021] and Figures 1-3. Thus, claims 1-4 and 7-33 are pending in the instant application. Applicant respectfully submits no new material is presented herein. Applicant hereby requests further examination and reconsideration of the application in view of the following remarks.

### ***Indication of Allowance***

Applicant acknowledges and accepts the Examiner's indication of Allowable Subject Matter for claims 7-33 of the instant application.

### ***Claim Rejection – 35 U.S.C. §102***

Claims 1-4 were rejected under 35 U.S.C. §102(e) as being anticipated by Pfetzer (U.S. Patent No. 6,644,352). Applicant respectfully traverses this rejection.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), *cert. denied*, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Pfetzer fails to disclose or suggest a valve having “a first valve inlet tube defining and enclosing a first valve inlet cavity” and “a second valve inlet tube defining and enclosing a second valve inlet cavity,” wherein “the second valve inlet tube being separate and distinct from the first valve inlet tube”, as recited in claim 1 of the instant application. Instead, the Pfetzer patent discloses a valve including “a first valve *inlet* tube 16 (see figure 1) defining and enclosing a second valve inlet cavity (see figure 1); a second valve *inlet* tube 18 (see figure 1) defining and enclosing a second valve inlet cavity (see figure 1); a valve *outlet* tube 14 (see figure 1) defining and enclosing an outlet cavity (see figure 1); the valve outlet tube communicating with the first valve inlet tube

and the second valve inlet tube (see figure 1); ...” Thus, Pfetzer discloses the opposite structural arrangement as that described and recited in the claims of the present invention.

Applicant respectfully submits that Pfetzer clearly and unambiguously discloses the valve 10 has a housing 12 with an inlet 14, a first outlet 16, and a second outlet 18. It is the outlets 16 and 18 which communicate with the inlet 14 via a passage 20. In other words, as is clear from the above, Pfetzer actually discloses a single (i.e., one) inlet 14 and a pair (i.e., two) outlets 16 and 18. See column 2, line 62 to column 4, line 38 and Figures 1-5 of Pfetzer. Put simply, Pfetzer does not disclose or suggest a second inlet that is separate and distinct from the inlet 14. Rather, Pfetzer actually teaches outlets that are separate and distinct from each other, not inlets.

Further, Pfetzer does not disclose or suggest “a second valve inlet that defines a first flow path allowing a gas to flow between the second valve inlet and the outlet cavity in a direction from the second valve inlet toward the outlet cavity when the flap valve is in the first position,” as recited in claim 1 of the instant application, because Pfetzer does not disclose a second inlet. Rather, Pfetzer discloses a single inlet 14 with two outlets 16 and 18 and not two inlets and a single outlet.

Therefore, when the flap 24 of the Pfetzer valve 10 is in a first position 58, the inlet 13 and first outlet 18 define a passage through which fluid flows in a direction from the inlet 14 toward the first outlet 18. Similarly, when the flap 24 is in the second position 40, the inlet 14 and second outlet 16 define another passage through which fluid flows in a direction from the same inlet 14 toward the second outlet 16. This is not the claimed invention as recited in the instant application.

For the reasons stated above, Applicant respectfully requests the withdrawal of the §102(e) rejection of claim 1 and claims 2-4 that properly depend from claim 1. Applicant respectfully submits that claims 1-4 are in condition for allowance.

### CONCLUSION

In light of the forgoing, reconsideration and allowance of claims 1-4 is earnestly solicited. Thus, the application is respectfully submitted to be in condition for allowance. Accordingly, notification to that effect is earnestly solicited. In the event the indication of allowability is withdrawn, applicants reserve the right to amend the claims back to the original form for further prosecution, without prejudice, disclaimer or estoppel. In the event that issues arise in the application that may readily be resolved via telephone, the Examiner is kindly invited to contact the undersigned Attorney at (410) 347-8754 to facilitate prosecution of the application.

Respectfully submitted,

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